

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CM No. 5256 C of 2015 and
RSA No. 2003 of 2015 (O&M)
Date of decision: September 17, 2015

Dev Raj

...Appellant

Versus

Smt. Krishna Devi

...Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Malhar Singh Dhami, Advocate,
for the appellant.

K. KANNAN, J. (Oral)

1. The plaintiff is the appellant who sought for a declaration that he was the owner of the property described in the suit and contended that the revenue entries recording the defendant as owner was illegal. The defendant contended that there had been an earlier civil suit filed by the plaintiff against her in respect of the same subject matter and it was dismissed on 20.12.1995. It was also contended by the defendant that the plaintiff is not in possession to seek for the relief of modification of entries that details the issue of ownership and possession. When the earlier suit for injunction had also been dismissed when there was a plea that he had been in possession of the property for 40 years, there is no scope for entertaining a fresh suit in respect of the same very subject matter. His contention was

that the suit was in time since the present suit was filed within 12 years of the date when the revenue entries had been made.

2. It is not merely a suit for modification of the revenue entries but it is purely consequential to the declaratory relief. The court found that the dismissal of the earlier suit was a bar to the fresh suit and his further claim that he had obtained title of the property by adverse possession was also barred by law, in view of the judgment of this Court Bhim Singh and others Versus Zile Singh and others 2006 (2) LJR 162 that a party could not seek for adverse possession as a plaintiff. This decision was confirmed in the appeal.

3. The judgments of the courts below conform to law and there is no error for intervention. I have examined the case on merit as well, although the appeal is brought only for condonation of over 3 years delay. There is not even a justification for condonation of delay of more than three years for filing the appeal. Both the appeal and the application are dismissed.

September 17, 2015
prem

(K.KANNAN)
JUDGE